

SECOND REGULAR SESSION

# HOUSE BILL NO. 1544

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE HOPPE.

Read 1<sup>st</sup> time January 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4142L.011

---

### AN ACT

To repeal sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 198.531, 208.169, 321.130, 321.190, and 321.703, RSMo, and to enact in lieu thereof thirty-one new sections relating to the provision of emergency services, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 198.531, 208.169, 321.130, 321.190, and 321.703, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 190.050, 190.051, 190.053, 190.054, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.111, 190.120, 190.142, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.248, 190.525, 190.528, 190.531, 190.534, 190.537, 198.531, 208.169, 321.130, 321.190, and 321.703, to read as follows:

190.050. 1. After the ambulance district has been declared organized, the declaring county commission, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors elected from districts one and four shall

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 serve for a term of one year, the directors elected from districts two and five shall serve for a  
11 term of two years, and the directors from districts three and six shall serve for a term of three  
12 years; thereafter, the terms of all directors shall be three years. All directors shall serve the term  
13 to which they were elected or appointed, and until their successors are elected and qualified,  
14 except in cases of resignation or disqualification. The county commission shall reapportion the  
15 ambulance districts within sixty days after the population of the county is reported to the  
16 governor for each decennial census of the United States. Notwithstanding any other provision  
17 of law, if the number of candidates for the office of director is no greater than the number of  
18 directors to be elected, no election shall be held, and the candidates shall assume the  
19 responsibilities of their offices at the same time and in the same manner as if they have been  
20 elected.

21         2. In all counties of the second class having more than one hundred five thousand  
22 inhabitants located adjacent to a county of the first class having a charter form of government  
23 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six  
24 directors elected at large from within the district for a term of three years. Those directors  
25 holding office in any district in such a county on August 13, 1976, shall continue to hold office  
26 until the expiration of their terms, and their successors shall be elected from the district at large  
27 for a term of three years. In any district formed in such counties after August 13, 1976, the  
28 governing body of the county shall cause an election to be held in that district within ninety days  
29 after the order establishing the ambulance district to elect ambulance district directors. Each  
30 voter shall vote for six directors. The two candidates receiving the highest number of votes at  
31 such election shall be elected for a term of three years, the two candidates receiving the third and  
32 fourth highest number of votes shall be elected for a term of two years, the two candidates  
33 receiving the fifth and sixth highest number of votes shall be elected for a term of one year;  
34 thereafter, the term of all directors shall be three years.

35         3. A candidate for director of the ambulance district shall, at the time of filing, be a  
36 citizen of the United States, a qualified voter of the election district as provided in subsection 1  
37 of this section, a resident of the [state for one year] **district for two years** next preceding the  
38 election, and shall be at least [twenty-one] **twenty-four** years of age. In an established district  
39 which is located within the jurisdiction of more than one election authority, the candidate shall  
40 file [his] **a** declaration of candidacy with the secretary of the board. In all other districts, a  
41 candidate shall file [his] **a** declaration of candidacy with the county clerk of the county in which  
42 [he] **the candidate** resides. A candidate shall file a statement under oath that [he] **the candidate**  
43 possesses the required qualifications. No candidate's name shall be printed on any official ballot  
44 unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of  
45 section 115.127, RSMo. If the time between the county commission's call for a special election

46 and the date of the election is not sufficient to allow compliance with subsection 5 of section  
47 115.127, RSMo, the county commission shall, at the time it calls the special election, set the  
48 closing date for filing declarations of candidacy.

**190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the  
2 contrary, upon a motion by the board of directors in districts where there are six-member  
3 boards, and upon approval by the voters in the district, the number of directors may be  
4 increased to seven with one board member running district wide, or decreased to five or  
5 three board members. The ballot to be used for the approval of the voters to increase or  
6 decrease the number of members on the board of directors of the ambulance district shall  
7 be substantially in the following form:**

8       **Shall the number of members of the board of directors of the ..... (Insert name  
9 of district) Ambulance District be (increased to seven members/decreased to five  
10 members/decreased to three members)?**

11               ☐ **YES**                               ☐ **NO**

12       **2. If a majority of the voters voting on a proposition to increase the number of  
13 board members to seven vote in favor of the proposition, then at the next election of board  
14 members after the voters vote to increase the number of directors, the voters shall select  
15 one person to serve in addition to the existing six directors as the member who shall run  
16 district wide.**

17       **3. If a majority of the voters voting on a proposition to decrease the number of  
18 board members vote in favor of the proposition, then the county clerk shall redraw the  
19 district into the resulting number of subdistricts with equal population bases and hold  
20 elections by subdistricts pursuant to section 190.050. Thereafter, members of the board  
21 shall be elected to serve terms of three years and until their successors are duly elected and  
22 qualified.**

23       **4. Members of the board of directors in office on the date of an election pursuant  
24 to this section to increase or decrease the number of members of the board of directors  
25 shall serve the term to which they were elected or appointed and until their successors are  
26 elected and qualified.**

**190.053. 1. Each member of an ambulance district board shall be subject to recall  
2 from office by the registered voters of the subdistrict from which the member was elected.  
3 Proceedings may be commenced for the recall of any ambulance district board member by  
4 the filing of a notice of intention to circulate a recall petition pursuant to this section and  
5 section 190.054.**

6       **2. Proceedings may not be commenced against any member if, at the time of  
7 commencement, that member:**

8           (1) Has not held office during the member's current term for a period of more than  
9 one hundred eighty days; or

10           (2) Has one hundred eighty days or less remaining in such term; or

11           (3) Has had a recall election determined in the member's favor within the current  
12 term of office.

13           3. The notice of intention to circulate a recall petition shall be served personally,  
14 or by certified mail, on the board member sought to be recalled. A copy thereof shall be  
15 filed, along with an affidavit of the time and manner of service, with the election authority,  
16 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member  
17 sought to be recalled and shall contain all of the following:

18           (1) The name of the board member sought to be recalled;

19           (2) A statement, not exceeding two hundred words in length, of the reasons for the  
20 proposed recall;

21           (3) The names and business or residence addresses of at least one and not more  
22 than five proponents of the recall.

23           4. Within seven days after the filing of the notice of intention, the board member  
24 may file with the election authority a statement, not exceeding two hundred words in  
25 length, in answer to the statement of the proponents. If an answer is filed, the board  
26 member shall also serve a copy of it, personally or by certified mail, on one of the  
27 proponents named in the notice of intention. The statement and answer are intended solely  
28 for the information of the voters. No insufficiency in form or substance of such statements  
29 shall affect the validity of the election proceedings.

30           5. Before any signature may be affixed to a recall petition, the petition must bear  
31 all of the following:

32           (1) A request that an election be called to elect a successor to the board member;

33           (2) A copy of the notice of intention, including the statement of grounds for recall;

34           (3) The answer of the board member sought to be recalled, if any. If the board  
35 member has not answered, the petition shall so state; and

36           (4) A place for each signer to affix each signer's signature, printed name, and  
37 residence address, including city or unincorporated community.

38           6. Each section of the petition, when submitted to the election authority, shall have  
39 attached to it an affidavit signed by the circulation of that section, setting forth all of the  
40 following:

41           (1) The printed name of the affiant;

42           (2) The residence address of the affiant;

43           (3) That the affiant circulated that section and saw the appended signatures be

44 written;

45 (4) That according to the best information and belief of the affiant, each signature  
46 is the genuine signature of the person whose name it purports to be;

47 (5) That the affiant is a registered voter of the subdistrict of the board member  
48 sought to be recalled; and

49 (6) The dates between which all the signatures to the petition were obtained.

50 7. A recall petition shall be filed with the election authority not more than one  
51 hundred eighty days after the filing of the notice of intention.

52 8. The number of qualified signatures required in order to recall a board member  
53 shall be equal in number to at least twenty-five percent of the number of voters who voted  
54 in the most recent gubernatorial election in that subdistrict.

55 9. Within twenty days from the filing of the recall petition the election authority  
56 shall determine whether or not the petition was signed by the required number of qualified  
57 signatures. The election authority shall file with the petition a certificate showing the  
58 results of the examination. The authority shall give the proponents a copy of the certificate  
59 upon their request.

60 10. If the election authority certifies the petition to be insufficient, it may be  
61 supplemented within ten days of the date of certificate by filing additional petition sections  
62 containing all of the information required by this section. Within ten days after the  
63 supplemental copies are filed, the election authority shall file with it a certificate stating  
64 whether or not the petition as supplemented is sufficient.

65 11. If the certificate shows that the petition as supplemented is insufficient, no  
66 action shall be taken on it; however, the petition shall remain on file.

190.054. 1. If the election authority finds the signatures on the petition described  
2 in section 190.053, together with the supplementary petition sections, if any, to be  
3 sufficient, it shall submit its certificate as to the sufficiency of the petition to the ambulance  
4 district board prior to its next meeting. The certificate shall contain:

5 (1) The name of the member whose recall is sought;

6 (2) The number of signatures required by law;

7 (3) The total number of signatures on the petition; and

8 (4) The number of valid signatures on the petition.

9 2. Following the ambulance district board's receipt of the certificate, the election  
10 authority shall order an election to be held on one of the election days specified in section  
11 115.123, RSMo. The election shall be held not less than forty-five days nor more than one  
12 hundred twenty days after the ambulance district board receives the petition. Nominations  
13 pursuant to this section shall be made by filing a statement of candidacy with the election

14 **authority.**

15 **3. At any time prior to forty-two days before the election, the member sought to be**  
16 **recalled may offer the member's resignation. If a resignation is offered, the recall question**  
17 **shall be removed from the ballot and the office declared vacant. The member who resigned**  
18 **may not fill the vacancy, which shall be filled as provided by law.**

19 **4. The provisions of chapter 115, RSMo, governing the conduct of elections shall**  
20 **apply, where appropriate, to recall elections held pursuant to this section. The costs of the**  
21 **election shall be paid as provided in chapter 115, RSMo.**

190.092. 1. [For purposes of this section, "first responder" shall be defined as a person  
2 who has successfully completed an emergency first response course meeting or exceeding the  
3 national curriculum of the United States Department of Transportation and any modifications  
4 to such curricula specified by the department through rules adopted pursuant to sections 190.001  
5 to 190.180 and who provides emergency medical care through employment by, or in association  
6 with, an emergency medical response agency. Any rule or portion of a rule, as that term is  
7 defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall  
8 become effective only if the agency has fully complied with all of the requirements of chapter  
9 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28,  
10 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and  
11 repealed as of August 28, 1998, however nothing in this section shall be interpreted to repeal or  
12 affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the  
13 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and  
14 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to  
15 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held  
16 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed  
17 and contained in the order of rulemaking shall be invalid and void, except that nothing in this  
18 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

19 2. Any county, municipality or fire protection district may establish a program to allow  
20 the use of automated external defibrillators by any person properly qualified who follows  
21 medical protocol for use of the device or member of a fire, police, ambulance service, emergency  
22 medical response agency or first responder agency provided that such person has completed a  
23 course certified by the American Red Cross or American Heart Association that includes  
24 cardiopulmonary resuscitation training and demonstrated proficiency in the use of such  
25 automated external defibrillators.

26 3.] A person or entity who acquires an automated external defibrillator shall ensure that:

27 (1) Expected defibrillator users receive training by the American Red Cross or American  
28 Heart Association in cardiopulmonary resuscitation and the use of automated external

29 defibrillators, or an equivalent nationally recognized course in defibrillator use and  
30 cardiopulmonary resuscitation;

31 (2) The defibrillator is maintained and tested according to the manufacturer's operational  
32 guidelines;

33 (3) Any person who renders emergency care or treatment on a person in cardiac arrest  
34 by using an automated external defibrillator activates the emergency medical services system as  
35 soon as possible; and

36 (4) Any person **or entity** that owns an automated external defibrillator that is for use  
37 outside of a health care facility shall have a physician [provide medical protocol for the use of  
38 the device] **review and approve the clinical protocol for the use of the defibrillator, review**  
39 **and advise regarding the training and skill maintenance of the intended users of the**  
40 **defibrillator and assure proper review of all situations when the defibrillator is used to**  
41 **render emergency care.**

42 [4.] 2. Any person or entity who acquires an automated external defibrillator shall notify  
43 the emergency communications district or the ambulance dispatch center of the primary provider  
44 of emergency medical services where the automated external defibrillator is to be located.

45 [5.] 3. Any person who has had appropriate training, including a course in  
46 cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated  
47 external defibrillator, and who gratuitously and in good faith renders emergency care when  
48 medically appropriate by use of or provision of an automated external defibrillator, without  
49 objection of the injured victim or victims thereof, shall not be held liable for any civil damages  
50 as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent  
51 person, or with regard to a health care professional, as a reasonably prudent and careful health  
52 care provider would have acted, under the same or similar circumstances. Nothing in this section  
53 shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

190.094. [In any county of the second classification containing part of a city which is  
2 located in four counties and any county bordering said county on the east and south and in any  
3 county of the third classification with a population of at least eight thousand four hundred but  
4 less than eight thousand five hundred inhabitants containing part of a lake of nine hundred  
5 fifty-eight miles of shoreline but less than one thousand miles of shoreline] **In any county of the**  
6 **first classification without a charter form of government and with more than eighty-two**  
7 **thousand but less than eighty-two thousand one hundred inhabitants and in any county**  
8 **of the third classification with a township form of government and with more than sixteen**  
9 **thousand six hundred but less than sixteen thousand seven hundred inhabitants and in any**  
10 **county of the third classification with a township form of government and with more than**  
11 **twenty-one thousand nine hundred fifty but less than twenty-two thousand nine hundred**

12 **fifty inhabitants and in any county of the fourth classification with more than forty-eight**  
13 **thousand two hundred but less than forty-eight thousand three hundred inhabitants and**  
14 **in any county of the third classification without a township form of government and with**  
15 **more than nine thousand six hundred fifty but less than nine thousand seven hundred fifty**  
16 **inhabitants**, each ambulance, when in use as an ambulance, shall be staffed with a minimum  
17 of one emergency medical technician and one other crew member as set forth in rules adopted  
18 by the department. When transporting a patient, at least one licensed emergency medical  
19 technician, [mobile emergency medical technician,] registered nurse or physician shall be in  
20 attendance with the patient in the patient compartment at all times.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

- 2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult  
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula  
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;
- 5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially  
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained  
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise  
8 incapacitated or helpless, or who require the presence of medical equipment being used on such  
9 individuals, but the term does not include any motor vehicle specially designed, constructed or  
10 converted for the regular transportation of persons who are disabled, handicapped, normally  
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;
- 12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency  
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,  
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;
- 15 (4) "Ambulance service area", a specific geographic area in which an ambulance service  
16 has been authorized to operate;
- 17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric  
18 patient as defined by national curricula, and any modifications to that curricula specified in rules  
19 adopted by the department pursuant to sections 190.001 to 190.245;
- 20 (6) "Council", the state advisory council on emergency medical services;
- 21 (7) "Department", the department of health, state of Missouri;
- 22 (8) "Director", the director of the department of health or the director's duly authorized  
23 representative;
- 24 (9) "Dispatch agency", any person or organization that receives requests for emergency  
25 medical services from the public, by telephone or other means, and is responsible for dispatching  
26 emergency medical services;
- 27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition



28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,  
29 possessing an average knowledge of health and medicine, to believe that the absence of  
30 immediate medical care could result in:

31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the  
32 woman or her unborn child, in significant jeopardy;

33 (b) Serious impairment to a bodily function;

34 (c) Serious dysfunction of any bodily organ or part;

35 (d) Inadequately controlled pain;

36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the  
37 public and has successfully completed an emergency medical dispatcher course, meeting or  
38 exceeding the national curriculum of the United States Department of Transportation and any  
39 modifications to such curricula specified by the department through rules adopted pursuant to  
40 sections 190.001 to 190.245;

41 (12) "Emergency medical response agency", any person that regularly provides a level  
42 of care that includes first response, basic life support or advanced life support, exclusive of  
43 patient transportation;

44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of  
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency  
46 medical services required in prevention and management of incidents which occur as a result of  
47 a medical emergency or of an injury event, natural disaster or similar situation;

48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,  
49 facilities and equipment for the effective and coordinated delivery of emergency medical services  
50 required in prevention and management of incidents occurring as a result of an illness, injury,  
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in  
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by  
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully  
56 completed a course of instruction in basic life support as prescribed by the department and is  
57 licensed by the department in accordance with standards prescribed by sections 190.001 to  
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) "Emergency medical technician-paramedic" or "EMT-P", a person who has  
60 successfully completed a course of instruction in advanced life support care as prescribed by the  
61 department and is licensed by the department in accordance with sections 190.001 to 190.245  
62 and rules adopted by the department pursuant to sections 190.001 to 190.245;

63 (18) "Emergency services", health care items and services furnished or required to screen

64 and stabilize an emergency which may include, but shall not be limited to, health care services  
65 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an  
66 ambulance service or emergency medical response agency;

67 (19) "First responder", a person who has successfully completed an emergency first  
68 response course meeting or exceeding the national curriculum of the United States Department  
69 of Transportation and any modifications to such curricula specified by the department through  
70 rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care  
71 through employment by or in association with an emergency medical response agency;

72 (20) "Health care facility", a hospital, nursing home, physician's office or other fixed  
73 location at which medical and health care services are performed;

74 (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2  
75 of section 197.020, RSMo, or a hospital operated by the state;

76 (22) "Medical control", supervision provided by or under the direction of physicians to  
77 providers by written or verbal communications;

78 (23) "Medical direction", medical guidance and supervision provided by a physician to  
79 an emergency services provider or emergency medical services system;

80 (24) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated  
81 by the ambulance service or emergency medical response agency and who meets criteria  
82 specified by the department by rules pursuant to sections 190.001 to 190.245;

83 (25) "Memorandum of understanding", an agreement between an emergency medical  
84 response agency or dispatch agency and an ambulance service or services within whose territory  
85 the agency operates, in order to coordinate emergency medical services;

86 (26) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise  
87 incapacitated or helpless, or dead, excluding deceased individuals being transported from or  
88 between private or public institutions, homes or cemeteries, and individuals declared dead prior  
89 to the time an ambulance is called for assistance;

90 (27) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,  
91 any individual, firm, partnership, copartnership, joint venture, association, cooperative  
92 organization, corporation, municipal or private, and whether organized for profit or not, state,  
93 county, political subdivision, state department, commission, board, bureau or fraternal  
94 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit  
95 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

96 (28) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

97 (29) "Political subdivision", any municipality, city, county, city not within a county,  
98 ambulance district or fire protection district located in this state which provides or has authority  
99 to provide ambulance service;

(30) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(31) **"Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;**

(32) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(32)] (33) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(33)] (34) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(34)] (35) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(35)] (36) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(36)] (37) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(37)] (38) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(38)] (39) "Trauma center", a hospital that is currently designated as such by the department.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business

136 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any  
137 public way or place of the state of Missouri unless such person holds a currently valid license  
138 from the department for an ambulance service issued pursuant to the provisions of sections  
139 190.001 to 190.245.

140         2. No ground ambulance shall be operated for ambulance purposes, and no individual  
141 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless  
142 the ground ambulance is under the immediate supervision and direction of a person who is  
143 holding a currently valid Missouri license as an emergency medical technician [except that].  
144 Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed  
145 physician be required to hold an emergency medical technician's license. Each ambulance  
146 service is responsible for assuring that any person driving its ambulance is competent in  
147 emergency vehicle operations and has a safe driving record. **Each ground ambulance shall be**  
148 **staffed with at least two licensed individuals when transporting a patient, except as**  
149 **provided in section 190.094.**

150         3. No license shall be required for an ambulance service, or for the attendant of an  
151 ambulance, which:

152             (1) Is rendering assistance in the case of an emergency, major catastrophe or any other  
153 unforeseen event or series of events which jeopardizes the ability of the local ambulance service  
154 to promptly respond to emergencies; or

155             (2) Is operated from a location or headquarters outside of Missouri in order to transport  
156 patients who are picked up beyond the limits of Missouri to locations within or outside of  
157 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for  
158 transportation to locations within Missouri, except as provided in subdivision (1) of this  
159 subsection.

160         4. The issuance of a license [under the provisions of] **pursuant to** sections 190.001 to  
161 190.245 shall not be construed so as to authorize any person to provide ambulance services or  
162 to operate any ambulances without a franchise in any city not within a county or in a political  
163 subdivision in any county with a population of over nine hundred thousand inhabitants, or a  
164 franchise, contract or mutual-aid agreement in any other political subdivision which has enacted  
165 an ordinance making it unlawful to do so.

166         5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or  
167 regulation not in conflict with such sections by any city not within a county, or at least as strict  
168 as such sections by any county, municipality or political subdivision except that no such  
169 regulations or ordinances shall be adopted by a political subdivision in a county with a  
170 population of over nine hundred thousand inhabitants except by the county's governing body.

171         6. In a county with a population of over nine hundred thousand inhabitants, the

governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri [public service commission] **division of motor carrier and railroad safety.**

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and

208 villages pursuant to chapter 67, RSMo.

209 **14. Upon the sale or transfer of any ambulance service ownership, the owner of**  
210 **such service shall notify the department of the change in ownership within thirty days of**  
211 **such sale or transfer. After receipt of such notice, the department shall conduct an**  
212 **inspection of the ambulance service to verify compliance with the licensure standards of**  
213 **sections 190.100 to 190.245.**

190.108. 1. The department shall, within a reasonable time after receipt of an  
2 application, cause such investigation as the department deems necessary to be made of the  
3 applicant for an air ambulance license.

4 2. The department shall have the authority and responsibility to license an air ambulance  
5 service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted  
6 by the department pursuant to sections 190.001 to 190.245. The department may promulgate  
7 rules relating to the requirements for an air ambulance license including, but not limited to:

8 (1) Medical control plans;

9 (2) Medical director qualifications;

10 (3) Air medical staff qualifications;

11 (4) Response and operations standards to assure that the health and safety needs of the  
12 public are met;

13 (5) Standards for air medical communications;

14 (6) Criteria for compliance with licensure requirements;

15 (7) Records and forms;

16 (8) Equipment requirements;

17 (9) Five-year license renewal;

18 (10) Quality improvement committees; and

19 (11) Response time, patient care and transportation standards.

20 3. Application for an air ambulance service license shall be made upon such forms as  
21 prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The  
22 application form shall contain such information as the department deems necessary to make a  
23 determination as to whether the air ambulance service meets all the requirements of sections  
24 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

25 **4. Upon the sale or transfer of any ambulance service ownership, the owner of such**  
26 **service shall notify the department of the change in ownership within thirty days of such**  
27 **sale or transfer. After receipt of such notice, the department shall conduct an inspection**  
28 **of the ambulance service to verify compliance with the licensure standards of sections**  
29 **190.100 to 190.245.**

190.109. 1. The department shall, within a reasonable time after receipt of an

2 application, cause such investigation as the department deems necessary to be made of the  
3 applicant for a ground ambulance license.

4       2. Any person that owned and operated a licensed ambulance on December 31, 1997,  
5 shall receive an ambulance service license from the department, unless suspended, revoked or  
6 terminated, for that ambulance service area which was, on December 31, 1997, described and  
7 filed with the department as the primary service area for its licensed ambulances on August 28,  
8 1998, provided that the person makes application and adheres to the rules and regulations  
9 promulgated by the department pursuant to sections 190.001 to 190.245.

10       3. The department shall issue a new ground ambulance service license to an ambulance  
11 service that is not currently licensed by the department, or is currently licensed by the department  
12 and is seeking to expand its ambulance service area, except as provided in subsection 4 of this  
13 section, to be valid for a period of five years, unless suspended, revoked or terminated, when the  
14 director finds that the applicant meets the requirements of ambulance service licensure  
15 established pursuant to sections 190.100 to 190.245 and the rules adopted by the department  
16 pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service  
17 license, an ambulance service shall submit to the department a letter of endorsement from each  
18 ambulance district or fire protection district that is authorized to provide ambulance service, or  
19 from each municipality not within an ambulance district or fire protection district that is  
20 authorized to provide ambulance service, in which the ambulance service proposes to operate.  
21 If an ambulance service proposes to operate in unincorporated portions of a county not within  
22 an ambulance district or fire protection district that is authorized to provide ambulance service,  
23 in order to be considered for a new ambulance service license, the ambulance service shall  
24 submit to the department a letter of endorsement from the county. Any letter of endorsement  
25 **required pursuant to this section** shall verify that the political subdivision has conducted a  
26 public hearing regarding the endorsement and that the governing body of the political subdivision  
27 has adopted a resolution approving the endorsement. **The letter of endorsement shall**  
28 **affirmatively state that the proposed ambulance service:**

29       (1) **Will provide a benefit to public health that outweighs the associated costs;**

30       (2) **Will maintain or enhance the public's access to ambulance services;**

31       (3) **Will maintain or improve the public health and promote the continued**  
32 **development of the regional emergency medical service system;**

33       (4) **Has demonstrated the appropriate expertise in the operation of ambulance**  
34 **services; and**

35       (5) **Has demonstrated the financial resources necessary for the operation of the**  
36 **proposed ambulance service.**

37       4. A contract between a political subdivision and a licensed ambulance service for the

38 provision of ambulance services for that political subdivision shall expand, without further action  
39 by the department, the ambulance service area of the licensed ambulance service to include the  
40 jurisdictional boundaries of the political subdivision. The termination of the aforementioned  
41 contract shall result in a reduction of the licensed ambulance service's ambulance service area  
42 by removing the geographic area of the political subdivision from its ambulance service area,  
43 except that licensed ambulance service providers may provide ambulance services as are needed  
44 at and around the state fair grounds for protection of attendees at the state fair.

45 5. The department shall renew a ground ambulance service license if the applicant meets  
46 the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by  
47 the department pursuant to sections 190.001 to 190.245.

48 6. The department shall promulgate rules relating to the requirements for a ground  
49 ambulance service license including, but not limited to:

- 50 (1) Vehicle design, specification, operation and maintenance standards;
- 51 (2) Equipment requirements;
- 52 (3) Staffing requirements;
- 53 (4) Five-year license renewal;
- 54 (5) Records and forms;
- 55 (6) Medical control plans;
- 56 (7) Medical director qualifications;
- 57 (8) Standards for medical communications;
- 58 (9) Memorandums of understanding with emergency medical response agencies that  
59 provide advanced life support;
- 60 (10) Quality improvement committees; and
- 61 (11) Response time, patient care and transportation standards.

62 7. Application for a ground ambulance service license shall be made upon such forms  
63 as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The  
64 application form shall contain such information as the department deems necessary to make a  
65 determination as to whether the ground ambulance service meets all the requirements of sections  
66 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**190.111. 1. Notwithstanding any other provisions of law, the department may grant  
2 a temporary ambulance service license to the Firefighter's Association of Missouri to  
3 operate an ambulance service at the annual Missouri state fair provided that they meet the  
4 following requirements:**

- 5 **(1) Have submitted a complete application upon such forms as prescribed by the**  
6 **department in rules adopted pursuant to sections 190.001 to 190.245;**
- 7 **(2) Have not been disciplined pursuant to sections 190.001 to 190.245 and the rules**



8 promulgated thereunder; and

9 (3) Meet all the requirements of rules promulgated pursuant to sections 190.001 to  
10 190.245.

11 2. This temporary ambulance service license shall only authorize the licensee to  
12 provide ambulance service under the temporary requirements established by the  
13 department in the geographic area established by the department.

14 3. This temporary ambulance service license shall have an expiration date, as  
15 determined by the department.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001  
2 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated  
3 in Missouri unless there is at all times in force and effect insurance coverage [issued by an  
4 insurance company] or **proof of financial responsibility with adequate reserves maintained**  
5 for each and every ambulance owned or operated by or for the applicant or licensee[, or unless  
6 any city not within a county which owns or operates the license has at all times sufficient  
7 self-insurance coverage] to provide for the payment of damages in an amount as prescribed in  
8 regulation:

9 (1) For injury to or death of individuals in accidents resulting from any cause for which  
10 the owner of [said] **such** vehicle would be liable on account of liability imposed on [him] **the**  
11 **owner** by law, regardless of whether the ambulance was being driven by the owner or the  
12 owner's agent; and

13 (2) For the loss of or damage to the property of another, including personal property,  
14 under like circumstances.

15 2. The insurance policy[, or in the case of a self-insured city not within a county, proof  
16 of self-insurance,] or **proof of financial responsibility** shall be submitted by all licensees  
17 required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance  
18 policy, or proof of the existence of [self-insurance of a city not within a county,] **financial**  
19 **responsibility**, shall be submitted to the director, in such form as the director may specify, for  
20 the director's approval prior to the issuance of each ambulance service license.

21 3. Every insurance policy or **proof of financial responsibility document** required by  
22 the provisions of this section shall contain [or in the case of a self-insured city not within a  
23 county shall have] proof of a provision for a continuing liability thereunder to the full amount  
24 thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be  
25 affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked  
26 the insurance company or self-insured [city not within a county] **licensee or entity** will not be  
27 relieved from liability on account of nonpayment of premium, failure to renew license at the end  
28 of the year, or any act or omission of the named assured. Such policy of insurance or

29 self-insurance shall be further conditioned for the payment of any judgments up to the limits of  
30 [said] **such** policy, recovered against any person other than the owner, the owner's agent or  
31 employee, who may operate the same with the consent of the owner.

32 4. Every insurance policy or self-insured [city not within a county] **licensee or entity** as  
33 required by [the provisions of] this section shall extend for the period to be covered by the  
34 license applied for and the insurer shall be obligated to give not less than thirty days' written  
35 notice to the director and to the insured before any cancellation or termination thereof earlier than  
36 its expiration date, and the cancellation or other termination of any such policy shall  
37 automatically revoke and terminate the licenses issued for the ambulance service covered by such  
38 policy unless covered by another insurance policy in compliance with sections 190.001 to  
39 190.245.

190.142. 1. The department shall, within a reasonable time after receipt of an  
2 application, cause such investigation as it deems necessary to be made of the applicant for an  
3 emergency medical technician's license. The director may authorize investigations into criminal  
4 records in other states for any applicant.

5 2. The department shall issue a license to all levels of emergency medical technicians,  
6 for a period of five years, if the applicant meets the requirements established pursuant to sections  
7 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to  
8 190.245. The department may promulgate rules relating to the requirements for an emergency  
9 medical technician including but not limited to:

10 (1) Age requirements;

11 (2) Education and training requirements based on respective national curricula of the  
12 United States Department of Transportation and any modification to such curricula specified by  
13 the department through rules adopted pursuant to sections 190.001 to 190.245;

14 (3) Initial licensure testing requirements;

15 (4) Continuing education and relicensure requirements; and

16 (5) Ability to speak, read and write the English language.

17 3. Application for all levels of emergency medical technician license shall be made upon  
18 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to  
19 190.245. The application form shall contain such information as the department deems  
20 necessary to make a determination as to whether the emergency medical technician meets all the  
21 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001  
22 to 190.245.

23 4. All levels of emergency medical technicians may perform only that patient care which  
24 is:

25 (1) Consistent with the training, education and experience of emergency medical

26 technicians; and

27 (2) Ordered by a physician or set forth in protocols approved by the medical director.

28 5. No person shall hold themselves out as an emergency medical technician or provide  
29 the services of an emergency medical technician unless such person is licensed by the  
30 department.

31 [6. All patients transported in a supine position in a vehicle other than an ambulance  
32 shall receive an appropriate level of care. The department shall promulgate rules regarding the  
33 provisions of this section. This subsection shall only apply to vehicles transporting patients for  
34 a fee.]

35 190.160. The renewal of any license shall require conformance with sections 190.001  
36 to 190.245 **and sections 190.525 to 190.537**, and rules adopted by the department pursuant to  
37 sections 190.001 to 190.245 **and sections 190.525 to 190.537**.

190.165. 1. The department may refuse to issue or deny renewal of any certificate,  
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with [the  
3 provisions of this act] **sections 190.100 to 190.245** or any lawful regulations promulgated by the  
4 department to implement its provisions as described in subsection 2 of this section. The  
5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the  
6 applicant of his or her right to file a complaint with the administrative hearing commission as  
7 provided by chapter 621, RSMo.

8 2. The department may cause a complaint to be filed with the administrative hearing  
9 commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or  
10 license required by sections 190.100 to 190.245 or any person who has failed to renew or has  
11 surrendered [his or her] **such** certificate, permit or license for failure to comply with [the  
12 provisions of] sections 190.100 to 190.245 or any lawful regulations promulgated by the  
13 department to implement such sections. Those regulations shall be limited to the following:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
15 RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the  
16 work of any activity licensed or regulated by sections 190.100 to 190.245;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo  
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any  
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or  
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which  
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether  
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,  
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to

- 25 take any examination given or required pursuant to sections 190.100 to 190.245;
- 26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
- 27 fraud, deception or misrepresentation;
- 28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
- 29 in the performance of the functions or duties of any activity licensed or regulated by sections
- 30 190.100 to 190.245;
- 31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
- 32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
- 33 sections 190.100 to 190.245;
- 34 (7) Impersonation of any person holding a certificate, permit or license or allowing any
- 35 person to use his or her certificate, permit, license or diploma from any school;
- 36 (8) Disciplinary action against the holder of a license or other right to practice any
- 37 activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal
- 38 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 39 (9) For an individual being finally adjudged insane or incompetent by a court of
- 40 competent jurisdiction;
- 41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed
- 42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
- 43 pursuant to sections 190.100 to 190.245;
- 44 (11) Issuance of a certificate, permit or license based upon a material mistake of fact;
- 45 (12) Violation of any professional trust or confidence;
- 46 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
- 47 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 48 (14) Violation of the drug laws or rules and regulations of this state, any other state or
- 49 the federal government[.];
- 50 **(15) Refusal of any applicant or licensee to cooperate with the department of health**
- 51 **during any investigation;**
- 52 **(16) Any conduct or practice which is or might be harmful or dangerous to the**
- 53 **mental or physical health of a patient or the public;**
- 54 **(17) Gross negligence or repeated negligence in the performance of the functions**
- 55 **or duties of any activity licensed by this chapter.**
- 56 3. After the filing of such complaint, the proceedings shall be conducted in accordance
- 57 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
- 58 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are
- 59 met, the department may, singly or in combination, censure or place the person named in the
- 60 complaint on probation on such terms and conditions as the department deems appropriate for

61 a period not to exceed five years, or may suspend, for a period not to exceed three years, or  
62 revoke the license, certificate or permit.

63 4. An individual whose license has been revoked shall wait one year from the date of  
64 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after  
65 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of  
66 an applicant for the first time. **Any individual whose license has been revoked twice within**  
67 **a ten-year period shall not be eligible for relicensure.**

68 5. The department may notify the proper licensing authority of any other state in which  
69 the person whose license was suspended or revoked was also licensed of the suspension or  
70 revocation.

71 6. Any person, organization, association or corporation who reports or provides  
72 information to the department pursuant to [the provisions of] sections 190.100 to 190.245 and  
73 who does so in good faith shall not be subject to an action for civil damages as a result thereof.

74 7. The department of health may suspend any certificate, permit or license required  
75 pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the  
76 administrative hearing commission as set forth in subsection 2 of this section, if the department  
77 finds that there is an imminent threat to the public health. The notice of suspension shall include  
78 the basis of the suspension and notice of the right to appeal such suspension. The licensee may  
79 appeal the decision to suspend the license, certificate or permit to the department. The appeal  
80 shall be filed within ten days from the date of the filing of the complaint. A hearing shall be  
81 conducted by the department within ten days from the date the appeal is filed. The suspension  
82 shall continue in effect until the conclusion of the proceedings, including review thereof, unless  
83 sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by  
84 the administrative hearing commission.

85 190.171. Any person aggrieved by an official action of the department of health affecting  
86 the licensed status of a person [under the provisions of] **pursuant to** sections 190.001 to 190.245  
87 **and sections 190.525 to 190.537**, including the refusal to grant, the grant, the revocation, the  
88 suspension, or the failure to renew a license, may seek a determination thereon by the  
89 administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and  
90 it shall not be a condition to such determination that the person aggrieved seek a reconsideration,  
91 a rehearing, or exhaust any other procedure within the department of health or the department  
92 of social services.

**190.172. Notwithstanding the provisions of subdivision (3) of subsection 3 of section**  
2 **621.045, RSMo, to the contrary, if no contested case has been filed against the licensee, the**  
3 **agency shall submit a copy of the settlement agreement signed by all of the parties within**  
4 **fifteen days after signature to the administrative hearing commission for determination**

5 **that the facts agreed to by the parties to the settlement constitute grounds for denying or**  
6 **disciplining the license of the licensee. Any person who is directly harmed by the specific**  
7 **conduct for which the discipline is sought may submit a written impact statement to the**  
8 **administrative hearing commission for consideration in connection with the commission's**  
9 **review of the settlement agreement.**

190.175. 1. Each ambulance service licensee or emergency medical response agency  
2 licensee shall maintain accurate records, which contain information concerning the care and, if  
3 applicable, the transportation of each patient.

4 2. Records will be retained by the ambulance service licensees and emergency medical  
5 response agency licensees for five years, readily available for inspection by the department,  
6 notwithstanding transfer, sale or discontinuance of the ambulance services or business.

7 3. [An ambulance] **A patient care** report, approved by the department, shall be  
8 completed for each ambulance run on which are entered pertinent remarks by the emergency  
9 medical technician, **registered nurse or physician** and such other items as specified by rules  
10 promulgated by the department.

11 **4. A written or electronic patient care document shall be completed and given to**  
12 **the ambulance service personnel by the health care facility when a patient is transferred**  
13 **between health care facilities. Such patient care record shall contain such information**  
14 **pertinent to the continued care of the patient as well as the health and safety of the**  
15 **ambulance service personnel during the transport. Nothing in this section shall be**  
16 **construed as to limit the reporting requirements established in federal law relating to the**  
17 **transfer of patients between health care facilities.**

18 [4.] **5.** Such records shall be available for inspection by the department at any reasonable  
19 time during business hours.

20 190.185. The department shall adopt, amend, promulgate, and enforce such rules,  
21 regulations and standards with respect to the provisions of this chapter as may be designed to  
22 further the accomplishment of the purpose of this law in promoting state-of-the-art emergency  
23 medical services in the interest of public health, safety and welfare. When promulgating such  
24 rules and regulations, the department shall consider the recommendations of the state advisory  
25 council on emergency medical services. No rule or portion of a rule promulgated pursuant to the  
26 authority of sections 190.001 to 190.245, **or sections 190.525 to 190.537**, shall become effective  
27 unless it has been promulgated pursuant to [the provisions of] chapter 536, RSMo.

190.196. 1. No employer shall knowingly employ or permit any employee to perform  
2 any services for which a license, certificate or other authorization is required by sections 190.001  
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the  
4 person so employed possesses all licenses, certificates or authorizations that are required.

5           2. Any person or entity that employs or supervises a person's activities as a first  
6 responder [or], emergency medical dispatcher, **emergency medical technician-basic,**  
7 **emergency medical technician-paramedic, registered nurse or physician** shall cooperate with  
8 the department's efforts to monitor and enforce compliance by those individuals subject to the  
9 requirements of sections 190.001 to 190.245.

10           3. Any person or entity who employs individuals licensed by the department  
11 pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two  
12 hours of their having knowledge of any charges filed against a licensee in their employ for  
13 possible criminal action involving the following felony offenses:

14           (1) Child abuse or sexual abuse of a child;

15           (2) Crimes of violence; or

16           (3) Rape or sexual abuse.

17           4. Any licensee who has charges filed against such licensee for the felony offenses  
18 in subsection 3 of this section shall report such an occurrence to the department within  
19 seventy-two hours of the charges being filed.

20           5. The department will monitor these reports for possible licensure action  
21 authorized pursuant to section 190.165.

22           **190.248. 1.** All investigations conducted in response to allegations of violations of  
23 sections 190.100 to 190.245 shall be completed within six months of receipt of the  
24 allegation.

25           2. In the course of an investigation the department shall have access to all records  
26 directly related to the alleged violations from persons or entities licensed pursuant to this  
27 chapter or chapter 197 or 198, RSMo.

28           3. Any department of health investigations that involve other administrative or law  
29 enforcement agencies shall be completed within six months of notification and final  
30 determination by such administrative or law enforcement agencies.

**190.525.** As used in sections 190.525 to 190.537, the following terms mean:

2           (1) "Department", the department of health;

3           (2) "Director", the director of the department of health or the director's duly  
4 authorized representative;

5           (3) "Passenger", an individual needing transportation in a supine position who  
6 does not require medical monitoring, observation, aid, care or treatment during  
7 transportation, with the exception of self-administered oxygen as ordered by a physician  
8 during transportation;

9           (4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise  
10 incapacitated or helpless, and who may require medical monitoring, medical observation,

11 aid, care or treatment during transportation, with the exception of self-administered  
12 oxygen as ordered by a physician;

13 (5) "Person", any individual, firm, partnership, copartnership, joint venture,  
14 association, cooperative organization, corporation, municipal or private, and whether  
15 organized for profit or not, state, county, political subdivision, state department,  
16 commission, board, bureau or fraternal organization, estate, public trust, business or  
17 common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in  
18 bankruptcy, or any other service user or provider;

19 (6) "Stretcher van", any vehicle other than an ambulance designed and equipped  
20 to transport passengers in a supine position. No such vehicle shall be used to provide  
21 medical services;

22 (7) "Stretcher van service", any person or agency that provides stretcher van  
23 transportation to passengers who are confined to stretchers and whose conditions are such  
24 that they do not need and are not likely to need medical attention during transportation.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate,  
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the  
3 business or service of the transportation of passengers by stretcher van upon the streets,  
4 alleys, or any public way or place of the state of Missouri unless such person holds a  
5 currently valid license from the department for a stretcher van service issued pursuant  
6 sections 190.525 to 190.537, notwithstanding any provisions of chapter 390 or 622, RSMo,  
7 to the contrary.

8 2. Subsection 1 of this section shall not preclude any political subdivision that is  
9 authorized to operate a licensed ambulance service from adopting any law, ordinance, or  
10 regulation governing the operation of stretcher vans that is at least as strict as the  
11 minimum state standards, except that no such regulations or ordinances shall be adopted  
12 by a political subdivision in a county of the first classification with a charter form of  
13 government and with more than one million inhabitants except by the county's governing  
14 body and no such regulations or ordinances shall prohibit stretcher van services that were  
15 legally picking up passengers within a political subdivision before January 1, 2002, from  
16 continuing to operate within that political subdivision and no political subdivision which  
17 did not regulate or prohibit stretcher van services as of January 1, 2002, shall implement  
18 unreasonable regulations or ordinances to prevent the establishment and operation of such  
19 services.

20 3. In any county of the first classification with a charter form of government and  
21 with more than one million inhabitants, the governing body of the county shall set  
22 reasonable standards for all stretcher van services which shall comply with subsection 2



23 of this section. All such stretcher van services must be licensed by the department. The  
24 governing body of such county shall not prohibit a licensed stretcher van service from  
25 operating in the county, as long as the stretcher van service meets county standards.

26 4. Nothing shall preclude the enforcement of any laws, ordinances, or regulations  
27 of any political subdivision authorized to operate a licensed ambulance service that were  
28 in effect prior to August 28, 2002.

29 5. Stretcher van services may transport passengers.

30 6. A stretcher van shall be staffed by at least two individuals when transporting  
31 passengers.

32 7. The crew of the stretcher van is required to immediately contact the appropriate  
33 ground ambulance service if a passenger's condition deteriorates.

34 8. Stretcher van services shall not transport patients, persons currently admitted  
35 to a hospital, or persons being transported to a hospital for admission or emergency  
36 treatment.

37 9. The department of health shall promulgate regulations, including but not limited  
38 to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle  
39 specifications, vehicle communications, passenger safety, and records and reports.

40 10. The department of health shall issue service licenses for a period of no more  
41 than five years for each service meeting the established rules.

42 11. Application for a stretcher van license shall be made upon such forms as  
43 prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537.  
44 The application form shall contain such information as the department deems necessary  
45 to make a determination as to whether the stretcher van agency meets all the requirements  
46 of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to  
47 190.537. The department shall conduct an inspection of the stretcher van service to verify  
48 compliance with the licensure standards of sections 190.525 to 190.537.

49 12. Upon the sale or transfer of any stretcher van service ownership, the owner of  
50 the stretcher van service shall notify the department of the change in ownership within  
51 thirty days before the sale or transfer. The department shall conduct an inspection of the  
52 stretcher van service to verify compliance with the licensure standards of sections 190.525  
53 to 190.537.

54 13. Ambulance services licensed pursuant to this chapter or any rules promulgated  
55 by the department of health pursuant to this chapter may provide stretcher van and wheel  
56 chair transportation services pursuant to sections 190.525 to 190.537.

190.531. 1. The department may refuse to issue or deny renewal of any license  
2 required pursuant to sections 190.525 to 190.537 for failure to comply with sections 190.525

3 to 190.537 or any lawful regulations promulgated by the department to implement sections  
4 190.525 to 190.537. The department shall notify the applicant in writing of the reasons for  
5 the refusal and shall advise the applicant of the right to file a complaint with the  
6 administrative hearing commission as provided by chapter 621, RSMo.

7 2. The department may cause a complaint to be filed with the administrative  
8 hearing commission as provided by chapter 621, RSMo, against any holder of any license  
9 required by sections 190.525 to 190.537 or any person who has failed to renew or has  
10 surrendered such license for failure to comply with sections 190.525 to 190.537 or any  
11 lawful regulations promulgated by the department to implement such sections. Those  
12 regulations shall be limited to the following:

13 (1) Use or unlawful possession of any controlled substance, as defined in chapter  
14 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to  
15 perform the work of any activity licensed or regulated by sections 190.525 to 190.537;

16 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty  
17 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the  
18 United States, for any offense reasonably related to the qualifications, functions, or duties  
19 of any activity licensed or regulated pursuant to sections 190.525 to 190.537, for any offense  
20 an essential element of which is fraud, dishonesty, or an act of violence, or for any offense  
21 involving moral turpitude, whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation, or bribery in securing any  
23 certificate, permit, or license issued pursuant to sections 190.525 to 190.537 or in obtaining  
24 permission to take any examination given or required pursuant to sections 190.525 to  
25 190.537;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other  
27 compensation by fraud, deception, or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or  
29 dishonesty in the performance of the functions or duties of any activity licensed or  
30 regulated by sections 190.525 to 190.537;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of  
32 sections 190.525 to 190.537, or of any lawful rule or regulation adopted by the department  
33 pursuant to sections 190.525 to 190.537;

34 (7) Impersonation of any person holding a license or allowing any person to use his  
35 or her license;

36 (8) Disciplinary action against the holder of a license or other right to practice any  
37 activity regulated by sections 190.525 to 190.537 granted by another state, territory, federal  
38 agency, or country upon grounds for which revocation or suspension is authorized in this

39 state;

40 (9) For an individual, being finally adjudged insane or incompetent by a court of  
41 competent jurisdiction;

42 (10) Issuance of a license based upon a material mistake of fact;

43 (11) Violation of any professional trust or confidence;

44 (12) Use of any advertisement or solicitation which is false, misleading, or deceptive  
45 to the general public or persons to whom the advertisement or solicitation is primarily  
46 directed;

47 (13) Violation of the drug laws or rules and regulations of this state, any other state,  
48 or the federal government;

49 (14) Refusal of any applicant or licensee, to cooperate with the department of health  
50 during any investigation;

51 (15) Any conduct or practice which is or might be harmful or dangerous to the  
52 mental or physical health of a patient or the public;

53 (16) Gross negligence or repeated negligence in the performance of the functions  
54 or duties of any activity licensed by this chapter.

55 3. After the filing of such complaint, the proceedings shall be conducted in  
56 accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
57 administrative hearing commission that the grounds, as provided in subsection 2 of this  
58 section, for disciplinary action are met, the department may, singly or in combination,  
59 censure or place the person named in the complaint on probation on such terms and  
60 conditions as the department deems appropriate for a period not to exceed five years, or  
61 may suspend, for a period not to exceed three years, or revoke the license.

62 4. An individual whose license has been revoked shall wait one year from the date  
63 of revocation to apply for relicensure. Relicensure shall be at the discretion of the  
64 department after compliance with all the requirements of sections 190.525 to 190.537  
65 relative to the licensing of an applicant for the first time.

66 5. The department may notify the proper licensing authority of any other state in  
67 which the person whose license was suspended or revoked was also licensed, of the  
68 suspension or revocation.

69 6. Any person, organization, association, or corporation who reports or provides  
70 information to the department pursuant to sections 190.525 to 190.537 and who does so in  
71 good faith and without negligence shall not be subject to an action for civil damages as a  
72 result thereof.

73 7. The department of health may suspend any license required pursuant to sections  
74 190.525 to 190.537 simultaneously with the filing of the complaint with the administrative

75 hearing commission as set forth in subsection 2 of this section, if the department finds that  
76 there is an imminent threat to the public health. The notice of suspension shall include the  
77 basis of the suspension and notice of the right to appeal such suspension. The licensee may  
78 appeal the decision to suspend the license to the department. The appeal shall be filed  
79 within ten days from the date of the filing of the complaint. A hearing shall be conducted  
80 by the department within ten days from the date the appeal is filed. The suspension shall  
81 continue in effect until the conclusion of the proceedings, including review thereof, unless  
82 sooner withdrawn by the department, dissolved by a court of competent jurisdiction, or  
83 stayed by the administrative hearing commission.

190.534. 1. Any person violating, or failing to comply with, sections 190.525 to  
2 190.537 is guilty of a class B misdemeanor.

3 2. Each day that any violation of, or failure to comply with, sections 190.525 to  
4 190.537 is committed or permitted to continue shall constitute a separate and distinct  
5 offense, and shall be punishable as a separate offense pursuant to this section; but the court  
6 may, in appropriate cases, stay the cumulation of penalties.

7 3. The attorney general shall have concurrent jurisdiction with any and all  
8 prosecuting attorneys to prosecute persons in violation of sections 190.525 to 190.537, and  
9 the attorney general or prosecuting attorney may institute injunctive proceedings against  
10 any person operating in violation of sections 190.525 to 190.537.

190.537. No rule or portion of a rule promulgated pursuant to the authority of  
2 sections 190.525 to 190.537 shall become effective unless it has been promulgated pursuant  
3 to chapter 536, RSMo.

198.531. 1. The division of aging, in collaboration with qualified Missouri schools and  
2 universities, shall establish an aging-in-place pilot program at a maximum of four selected sites  
3 throughout the state which will provide a continuum of care for elders who need long-term care.  
4 For purposes of this section, "qualified Missouri schools and universities" means any Missouri  
5 school or university which has a school of nursing, a graduate nursing program, or any other  
6 similar program or specialized expertise in the areas of aging, long-term care or health services  
7 for the elderly.

8 2. The pilot program shall:

9 (1) Deliver a full range of physical and mental health services to residents in the least  
10 restrictive environment of choice to reduce the necessity of relocating such residents to other  
11 locations as their health care needs change;

12 (2) Base licensure on services provided rather than on facility type; and

13 (3) Be established in selected urban, rural and regional sites throughout the state.

14 3. The directors of the division of aging and division of medical services shall apply for

15 all federal waivers necessary to provide Medicaid reimbursement for health care services  
16 received through the aging-in-place pilot program.

17 4. The division of aging shall monitor the pilot program and report to the general  
18 assembly on the effectiveness of such program, including quality of care, resident satisfaction  
19 and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.

20 5. Developments authorized by this section shall be [exempt from the provisions of  
21 sections 197.300 to 197.367, RSMo, and shall be] licensed by the division of aging.

208.169. 1. Notwithstanding other provisions of this chapter, including but not limited  
2 to sections 208.152, 208.153, 208.159 and 208.162:

3 (1) There shall be no revisions to a facility's reimbursement rate for providing nursing  
4 care services under this chapter upon a change in ownership, management control, operation,  
5 stock, leasehold interests by whatever form for any facility previously licensed or certified for  
6 participation in the Medicaid program. Increased costs for the successor owner, management  
7 or leaseholder that result from such a change shall not be recognized for purposes of  
8 reimbursement;

9 (2) In the case of a newly built facility or part thereof which is less than two years of age  
10 and enters the Title XIX program under this chapter after July 1, 1983, a reimbursement rate  
11 shall be assigned based on the lesser of projected estimated operating costs or one hundred ten  
12 percent of the median rate for the facility's class to include urban and rural categories for each  
13 level of care including ICF only and SNF/ICF. The rates set under this provision shall be  
14 effective for a period of twelve months from the effective date of the provider agreement at  
15 which time the rate for the future year shall be set in accordance with reported costs of the  
16 facility recognized under the reimbursement plan and as provided in subdivisions (3) and (4) of  
17 this subsection. Rates set under this section may in no case exceed the maximum ceiling  
18 amounts in effect under the reimbursement regulation;

19 (3) Reimbursement for capital related expenses for newly built facilities entering the  
20 Title XIX program after March 18, 1983, shall be calculated as the building and building  
21 equipment rate, movable equipment rate, land rate, and working capital rate.

22 (a) The building and building equipment rate will be the lower of:

23 a. Actual acquisition costs, which is the original cost to construct or acquire the building,  
24 not to exceed [the costs as determined in section 197.357, RSMo] **ten percent of the initial**  
25 **project estimate**; or

26 b. Reasonable construction or acquisition cost computed by applying the regional Dodge  
27 Construction Index for 1981 with a trend factor, if necessary, or another current construction cost  
28 measure multiplied by one hundred eight percent as an allowance for fees authorized as  
29 architectural or legal not included in the Dodge Index Value, multiplied by the square footage

30 of the facility not to exceed three hundred twenty-five square feet per bed, multiplied by the ratio  
31 of forty minus the actual years of the age of the facility divided by forty; and multiplied by a  
32 return rate of twelve percent; and divided by ninety-three percent of the facility's total available  
33 beds times three hundred sixty-five days.

34 (b) The maximum movable equipment rate will be fifty-three cents per bed day.

35 (c) The maximum allowable land area is defined as five acres for a facility with one  
36 hundred or less beds and one additional acre for each additional one hundred beds or fraction  
37 thereof for a facility with one hundred one or more beds.

38 (d) The land rate will be calculated as:

39 a. For facilities with land areas at or below the maximum allowable land area, multiply  
40 the acquisition cost of the land by the return rate of twelve percent, divide by ninety-three percent  
41 of the facility's total available beds times three hundred sixty-five days.

42 b. For facilities with land areas greater than the maximum allowable land area, divide  
43 the acquisition cost of the land by the total acres, multiply by the maximum allowable land area,  
44 multiply by the return rate of twelve percent, divide by ninety-three percent of the facility's total  
45 available beds times three hundred sixty-five days.

46 (e) The maximum working capital rate will be twenty cents per day;

47 (4) If a provider does not provide the actual acquisition cost to determine a  
48 reimbursement rate under subparagraph a. of paragraph (a) of subdivision (3) of subsection 1 of  
49 this section, the sum of the building and building equipment rate, movable equipment rate, land  
50 rate, and working capital rate shall be set at a reimbursement rate of six dollars;

51 (5) For each state fiscal year a negotiated trend factor shall be applied to each facility's  
52 Title XIX per diem reimbursement rate. The trend factor shall be determined through  
53 negotiations between the department and the affected providers and is intended to hold the  
54 providers harmless against increase in cost. In no circumstances shall the negotiated trend factor  
55 to be applied to state funds exceed the health care finance administration market basket price  
56 index for that year. The provisions of this subdivision shall apply to fiscal year 1996 and  
57 thereafter.

58 2. The provisions of subdivisions (1), (2), (3), and (4) of subsection 1 of this section shall  
59 remain in effect until July 1, 1989, unless otherwise provided by law.

321.130. 1. A person, to be qualified to serve as a

2 director, shall be a voter of the district at least two years [prior to his] **before such person's**  
3 election or appointment and be over the age of [twenty-five] **twenty-four** years; except as  
4 provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall  
5 be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and  
6 filing a statement under oath that such person possesses the required qualifications.

7           2. In any fire protection district located in more than one county one of which is a first  
8 class county without a charter form of government having a population of more than one hundred  
9 ninety-eight thousand and not adjoining any other first class county or located wholly within a  
10 first class county as described herein, a resident shall have been a resident of the district for more  
11 than one year to be qualified to serve as a director.

12           3. In any fire protection district located in a county of the third or fourth classification,  
13 a person to be qualified to serve as a director shall be over the age of [twenty-five] **twenty-four**  
14 years and shall be a voter of the county in which the district is located for more than two years  
15 prior to [his] **such person's** election or appointment, except that for the first board of directors  
16 in such district, a person need only be a voter of the county in which the district is located for one  
17 year [prior to his] **before such person's** election or appointment.

18           4. A person desiring to become a candidate for the first board of directors of the  
19 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and  
20 shall file with the election authority a statement under oath that he possesses all of the  
21 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such  
22 candidate shall have [his] **the candidate's** name placed on the ballot as a candidate for director.

321.190. Each member of the board may receive an attendance fee not to exceed one  
2 hundred dollars for attending each regularly called board meeting, or special meeting, but shall  
3 not be paid for attending more than two in any calendar month, except that in a county of the first  
4 class having a charter form of government, [he] **a member** shall not be paid for attending more  
5 than four in any calendar month. In addition, the chairman of the board of directors may receive  
6 fifty dollars for attending each regularly or specially called board meeting, but shall not be paid  
7 the additional fee for attending more than two meetings in any calendar month. **In addition to**  
8 **receiving fees for attending up to four meetings in any calendar month pursuant to this**  
9 **section, for fire protection districts located in a county of the first classification with a**  
10 **charter form of government, each member of any such fire protection district board may**  
11 **receive an additional attendance fee not to exceed one hundred dollars for attending each**  
12 **such meeting of the board. No board members shall be paid such additional fee for**  
13 **attending more than four such meetings in any calendar month.** Each member of the board  
14 shall be reimbursed for [his] **the member's** actual expenditures in the performance of [his] **the**  
15 duties on behalf of the district. The secretary and the treasurer, if members of the board of  
16 directors, may each receive such additional compensation for the performance of their respective  
17 duties as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed  
18 one thousand dollars per year. The circuit court having jurisdiction over the district shall have  
19 power to remove directors or any of them for good cause shown upon a petition, notice and  
20 hearing.

321.703. 1. The notice of intention to circulate a recall petition shall be served  
2 personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall  
3 be filed, along with an affidavit of the time and manner of service, with the election authority,  
4 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member sought  
5 to be recalled and shall contain all of the following:

6 (1) The name of the board member sought to be recalled;

7 (2) A **brief** statement[, not exceeding two hundred words in length,] of the reasons for  
8 the proposed recall. **This statement must relate facts which constitute acts of misconduct,**  
9 **malfeasance, or nonfeasance by the board member in the exercise of official duties or**  
10 **which establish proof of a conviction for any felony or any class A or B misdemeanor;**

11 (3) The name(s) and [business or] residence address(es) of [at least one, and not more  
12 than five,] **all** proponent(s) of the recall, **each of whom shall be a registered voter in such**  
13 **district.**

14 2. Within seven days after the filing of the notice of intention, the board member may  
15 file with the election authority a statement, not exceeding two hundred words in length, [in] **an**  
16 answer to the statement of the proponents. If an answer is filed, the board member shall also  
17 serve a copy of it, personally or by certified mail, on one of the proponents named in the notice  
18 of intention.

19 3. The statement and answer are intended solely for the information of the voters. No  
20 insufficiency in form or substance thereof shall affect the validity of the election proceedings